IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 62 OF 2006

Bandra Terminus Registered License Hamal Ekta Union ... Petitioner

V/s.

Union of India & Ors. ... Respondent

Mr. R.G. Walia for the petitioner
Mr. Suresh Kumar for the respondents.

CORAM : F.I. REBELLO,
ANOOP V. MOHTA,JJ.
DATED : 29th March, 2006

P.C.

. Rule. Heard forthwith.

2. A petition came to be filed before this Court in the year 1993 being Writ Petition No.1449 of 1993. Minutes of the order filed by the parties was taken on record and order passed in terms of minutes of order on 16th August, 1993. Out of the petitioners who approached this Court, 50 licensed porters, in the order of seniority was to be retained at Bandra

terminus. Twenty two other licensed porters who had been asked to go back to their respective stations were to get precedence or priority over others as per their seniority for being posted at Bandra. From these twenty two, eighteen have already been posted at Bandra terminus. Four have yet to be. There were others left out. In so far as these others, the respondents were to find out the genuineness of their buckle numbers. It was also set out therein that those buckle numbers who are not licensed by the Divisional Railway Manager, are not be considered at all. But those which were genuine and who were working at Bandra terminus as on the date of the letter Ex. "A", were to go back to their respective stations, where they were licensed to work but they had no priority for being considered for posting at Bandra terminus in future over those twenty two licensed porters mentioned in para 2 above. In so far as this order is concerned, it has been complied, except to the extent of four in the group of twenty two. The respondents are directed that these four porters if still working or available are to be transferred to Bandra terminus. This exercise to be completed within a period of four weeks from today.

3. A second petition came to be filed being Writ Petition (L) No. 36 of 2004 by Bandra Terminus Regd. Licence Hamal Ekta Union (W.R.) & Ors. which came to be disposed of on 16th January, 2004. This petitioner was specifically for posting the remaining porters out of the original 131 porters who had approached this Court and were working during the period of one year i.e. 01.07.1992 to 01.07.1993 at Bandra terminus station. A fourth relief was to provide them with work and remuneration be paid for the work done during the period. While disposing of this petition the learned Bench of this Court noted the disposal of earlier Writ Petition No. 2630 of 2002. The learned Bench also noted that in the earlier petition, the directions to issue badges could not be issued as there were no vacancies, but in the event vacancies arise in the future they ought to be considered. The Court observed that the petitioners in petition before it also claimed similar relief in so far as remaining porters out of 131 porters are concerned. The Court then held for the reasons which are already recorded in Writ Petition No. 206, it was not possible to issue the directions as prayed for by the petitioners therein. Reference may be made to the following

observation - "However, if vacancies arise in future, the respondents to consider the case of the petitioner as set out above on merit".

4. The petitioners have filed this present petition on the ground that licensed porters working at Bombay Central have been transferred to Bandra terminus. It is their contention that considering the order passed by this Court in Writ Petition No. 1449 of 1993 that they have a right to be first posted at Bandra terminus over all other porters.

5. On behalf of respondents, the learned Counsel points out that on account of exigency of work and number of trains decreasing at Bombay Central, various licensed porters have been transferred at Bandra terminus. He therefore submitted that they have not posted any new person, but only those who are already working with them at Bombay Central terminus. The learned Counsel on instructions also makes statement that if any licensed porters out of the balance 131 porters are holding buckle and as long as they are licensed by the Divisional Railway Manager, will also be posted at Bandra.

6. Considering that if any licensed members of the petitioners' Union have buckle numbers, which have been verified, they will make a representation to respondent No. 3 within four weeks from today. Respondent No. 3 to consider their application and if eligible they be posted at Bandra terminus not later than four weeks from the application made by them. In the event, the applications are not moved within four weeks from today, it will be open to the respondents to transfer other buckle holders from Bombay Central Railway Station to Bandra terminus.

7. Petition stands disposed of accordingly.

[F.I. REBELLO, J.]

[ANOOP V. MOHTA, J.]